

Patent US 210
Edwards Ref: RMI-5726
(formerly 260/008)

REMARKS

Applicants thank the examiner for taking the time on April 20, 2005, to discuss the pending office action with Diane Wong of O'Melveny & Myers LLP. In the discussion, the examiner clarified the statements made in the Office Action regarding the § 102 rejection.

Reconsideration of the rejections set forth in the Office Action mailed January 25, 2005, is respectfully requested. Claims 1, 5-7, and 18 remain pending in this case. Claims 1 and 18 have been amended. Support for these amendments can be found in the specification at, e.g., page 10, lines 6-8, and Figs. 7A and B. Therefore, no new matter has been added with this amendment.

Art Rejections

Claims 1, 7, and 18 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Ambrisco et al. (USP 6,007,557). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ambrisco et al.

Applicants have amended independent claims 1 and 18 to specify that the cantilever beam has a first cross-section and a "*weakened region with a second cross-section, wherein the second cross-section is smaller than the first cross-section.*" None of the cited references teach or suggest all of the limitations of the claims as amended. Therefore, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Claims 1 and 18 are therefore patentably distinct from the cited art. Claims 5-7 are dependent on claim 1, and are therefore patentably distinct from the cited art for the same reasons.

Patent US 210
Edwards Ref: RMI-5726
(formerly 260/008)

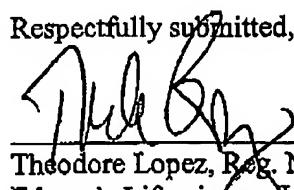
FEES DUE TO FILE THIS AMENDMENT

When this application was filed, a fee was paid for a total of 20 claims, with 8 of them being independent claims. The above amendment has resulted in there being a total of 5 claims, with 2 of them being independent claims. Thus, no fee is believed to be due to file this amendment.

CONCLUSION

For the above reasons, pending Claims 1, 5-7, and 18 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

Respectfully submitted,


Theodore Lopez, Reg. No. 44,881
Edwards Lifesciences LLC
Law Department
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6856
Facsimile: (949) 250-6850
Customer No. 30452

Date: April 25, 2005